

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
November 3, 2013

Closed Session: Yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Bill A. Denemy

Council Present: Legislative Leader Regina Gasco Bentley, Secretary Julia Shananaquet, Treasurer Marcella Reyes, Councilor Bill A. Denemy, Councilor John Keshick III, Councilor Beatrice A. Law, Councilor Aaron Otto

Absent: Councilor Michael Naganashe, Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow, General Counsel James Bransky

Executive Officials and Staff Present: Tribal Chairman Fred Kiogima, Vice Chairwoman Deb DeLeon

Judicial Branch: Honorable Chief Judge Allie Maldonado

Odawa Economic Development Management, Inc.: Bryan Gillett and Alan Proctor, Odawa Fisher Inc.: Yvonne McShane

Odawa Casino Resort: General Manager David Wolf, Finance Director Roger Borton, Human Resource Director Melissa Richards, Slot Director Dennis Shananaquet, Marketing Director Karyann Waukazoo, Hospitality Director Michael Bodjiak, Director of Property Operations Barry Laughlin

Public: Annette VanDeCar, Jake Boyd, Merle Carson, John Kawegoma, Andrew Stich

Invited Guests: James Kline (Jake Boyd invited-Tribal Council approved)

Motion made by Councilor Law and supported by Treasurer Reyes to adopt the agenda for November 3, 2013 with additions.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Wemigwase)

Motion carried.

1 Motion made by Councilor Law and supported by Councilor Keshick to approve
2 the minutes of October 20, 2013 with corrections.

3 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
4 Wemigwase)

5 Motion carried.

6
7 Elder Comments:

- 8
9 - Jake Boyd spoke regarding his employment, medical leave termination
10 and subsequent conditions of employment.
11
12 - Merle Carson spoke on behalf of Jacob Boyd requesting legislation
13 protecting citizen's jobs while on medical leave.
14
15 - Michele LaCount spoke of the need for an Employee Advocate (Tribal
16 Employment Rights Office); One Tribal Human Resource Department
17 over all employees of the Tribe; Flawed Short Term Disability forms as
18 received from Mutual of Omaha; and how employees are notified of
19 change to personnel policies.
20
21 - James Kline spoke regarding Jake Boyd's character and loyalty of job
22 at Odawa Casino Resort.
23
24 - John Kawegoma spoke in support of Jake Boyd and other neglected
25 employees and the need to look into this; Reprimand for Human
26 Resource employees who are negligent in their job; Agrees with
27 information provided by Citizen LaCount and guidelines for assisting
28 employees with the need for time off; Believes that Tribal Citizens are
29 not kept abreast of the Casino financial status; The sequester and the
30 financial impact on Tribal Elders, including the need for food and utility
31 increase.
32

33 9:54 a.m. Recess called.

34 10:09 a.m. Meeting reconvened.

35
36 10:09 a.m. – 10:30 a.m.: Judge Maldonado presented Council with newly drafted
37 job description for the Court Administrator position to include tiers of education
38 and experience, strong budgeting knowledge, grant compliance and strong
39 writing skills. The Judge spoke briefly on the status of Contempt of Court
40 Hearing with no decision rendered and requested Tribal Council pass a motion to
41 allow the Court to hire Brian Newland to represent the Court on future legal
42 matters arising from LTBB – v- Attorney S. Garret Beck. Funding is currently in
43 the Court budget to cover the expense.
44

45 Motion made by Councilor Denemy and supported by Councilor Law to amend
46 the agenda to include the motion proposed by Judge Maldonado.

1 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
2 Wemigwase)
3 Motion carried.

4
5 Motion made by Secretary Shananaquet and supported by Councilor Denemy to
6 approve the Little Traverse Bay Bands Tribal Court to hire Brian Newland to
7 represent the Tribe on future legal matters arising from LTBB vs S. Garret Beck.
8 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
9 Wemigwase)
10 Motion carried.

11
12 Motion made by Secretary Shananaquet and supported by Councilor Law to
13 accept Legislative Leader Gasco Bentley's verbal Legislative Leader report and
14 verbal and written travel report regarding attendance at the November 2013
15 United Tribes of Michigan meeting.
16 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
17 Wemigwase)
18 Motion carried.

19
20 Secretary Shananaquet's Report:

21
22 The following (2) Resolutions were delivered to Tribal Chairman's office and have
23 been signed and returned to the Legislative Office:

- 24
25 • Tribal Resolution 070713-02 Ground Lease Termination
26
27 • Tribal Resolution 100613-01 Appropriation of Additional Funds for 2013
28 Per Cap Distribution.

29
30 The following (9) Certified Motions were delivered to Tribal Chairman's office and
31 have been signed and returned to the Legislative Office:

- 32
33 • Certified Motion# 100613-01 Funding from the National Endowment for
34 the Humanities America's Historical and Cultural Organizations: Planning
35 Grants Little Traverse Bay Bands of Odawa Indians Repatriation and
36 Archives Department "A Reflection of Ourselves: A Visual History of the
37 Transition of the Odawa of Little Traverse during the 1800s" Planning
38 Grant.
39
40 • Certified Motion# 100613-02 Midwest Alliance of Sovereign Tribes
41 Representative for Little Traverse Bay Bands of Odawa Indians.
42
43 • Certified Motion# 100613-03 United Tribes of Michigan Representative for
44 Little Traverse Bay Bands of Odawa Indians.
45
46 • Certified Motion# 100613-04 United States Department of the Interior,
47 Bureau of Indian Affairs Authorization for P.L. 93-638 Contract.

- Certified Motion# 100613-05 Request for Funding from the US Environmental Protection Agency, Under Section 103 of the Clean Air Act, FY 2014 Region 5 Tribal Air Grants, Little Traverse Bay Bands of Odawa Indians Clean Air Program.
- Certified Motion# 100613-06 Long Range Transportation Plan FY 2013 – FY 2018.
- Certified Motion# 102013-01 Request for Funding from National Congress of American Indians, Partnership for Tribal Governance Initiative, Leadership Development Project.
- Certified Motion# 102013-02 Request for the Reaffirmation of the Inter-Tribal Council of Michigan, Inc. Contract, through the Bureau of Indian Affairs under PL 93-638, for the State Child Care Funds.
- Certified Motion# 102913-01 Request for Funding from the Consumers Energy Foundation Repatriation, Archives and Records Department Archival Safety Improvements and Expansion.

The following documents are outstanding requiring Chairman Kiogima's signature:

- Dillard Home Purchase Contract and Residential Lease of Tribal owned land
(Note: Tribal Council requires signed copy)
- Tribal Resolution # 101513-01 Appropriation of Funds for the 2015 Operating Budgets and Funding Allocation for the 2015 Fiscal Year.
(11/14/13 due back date)

The following document had no action taken by the Executive to sign the document or to expressly veto within 30 days. According to LTBB Constitution – *Article VII, (D) 1. They (Resolutions and Statutes) shall be deemed adopted/enacted if not expressly vetoed by the Executive within thirty (30) days of submission.*

- Tribal Resolution 092213-05 Funding for Odawa Fishery Inc., in the Amount of \$150,000.00 to come from Prior Period Funds
(Note: Submitted to the Executive on September 23, 2013, and response due on October 23, 2013). The Executive did not sign nor expressly veto within 30 days from submission to the Executive Branch. Therefore, Tribal Resolution 092213-05 Funding for Odawa Fishery Inc., in the Amount of \$150,000.00 to come from Prior Period Funds is deemed adopted on October 24, 2013 per LTBB Constitution

1 No vetoed documents to report.

2
3 The following phone polls were conducted:

- 4
5 • October 29, 2013 Motion for the approval for funding from the Consumers
6 Energy Foundation for the Repatriation, Archives and Records
7 Department Archival Safety Improvements and Expansion.
8 The phone poll passed: 9-Yes, 0-No, 0-Abstain, 0-Absent.
9

10 Motion made by Councilor Keshick and supported by Councilor Denemy to
11 accept Secretary Shananaquet's verbal report for November 3, 2013.

12 Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Michael Naganashe, Winnay
13 Wemigwase)

14 Motion carried.

15
16 11:01 a.m. Recess called.

17 11:12 a.m. Meeting reconvened.

18
19 11:12 a.m. Elder Comments:

- 20
21 - John Kawegoma spoke regarding due process and appointments to
22 Tribal Council committee appointments.
23

24 Motion made by Councilor Law and supported by Legislative Leader Gasco
25 Bentley to accept Treasurer Reyes verbal report for November 3, 2013.

26 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
27 Wemigwase)

28 Motion carried.

29
30 Motion by Secretary Shananaquet and supported by Councilor Keshick to amend
31 the agenda to include Recommendation of the Appropriation and Finance
32 Committee to post the Rehmann Report for the Little Traverse Bay Bands of
33 Odawa Indians 2012 Audit.

34 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
35 Wemigwase)

36 Motion carried.

37
38 Motion made by Secretary Shananaquet and supported by Councilor Law to post
39 the Rehmann Little Traverse Bay Bands of Odawa Indians 2012 Audit to the
40 Tribal Citizens only website.

41 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
42 Wemigwase)

43 Motion carried.

44
45 11:52 a.m. Public Comment opened:
46

- 1 - Andrew Stich spoke regarding the Farm Plan and asked why there
2 would be a closed session for it; The Audit for the Fisheries and the
3 funds allocated to them; Asked for an update regarding Drafts posted
4 for Comments; Did Tribal Council hire a Private Eye or an Investigator?

5

6 11:55 a.m. Public Comment closed.

7

8 Motion made by Secretary Shananaquet and supported by Councilor Keshick to
9 accept Councilor Otto's verbal and written travel report for October 13-19, 2013
10 National Congress of American Indians Convention.

11 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor
12 Wemigwase)

13 Motion carried.

14

15 12:00 p.m. Lunch recess called.

16 1:34 p.m. Meeting reconvened.

17

18 1:34 p.m. Councilor Wemigwase arrived.

19

20 Motion made by Councilor Law and supported by Councilor Denemy to accept
21 the Odawa Economic Development Management, Inc. 3rd quarter report for 2013.

22 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

23 Motion carried.

24

25 Motion made by Councilor Wemigwase and supported by Councilor Law to
26 accept the Odawa Fishery, Inc. 3rd Quarter report for 2013.

27 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

28 Motion carried.

29

30 2:19 p.m. Recess called.

31 2:28 p.m. Meeting reconvened.

32

33 Motion made by Councilor Wemigwase supported by Treasurer Reyes to accept
34 the Agricultural Assessment Work Group report as presented by Councilor
35 Keshick for November 3, 2013.

36 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

37 Motion carried.

38

39 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
40 move the commitment purchase price document for the farm plan Parcel 54 and
41 Commitment letter to the Appropriations and Finance Committee.

42 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

43 Motion carried.

44

45 3:16 p.m. Public Comment opened: no comments.

46 3:16 p.m. Public Comment closed.

47

1 Motion made by Councilor Denemy and supported by Treasurer Reyes to amend
2 the agenda to include the Wells Fargo Commitment letter and term sheet.

3 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

4 Motion carried.

5
6 Motion made by Councilor Denemy and supported by Councilor Keshick to
7 accept the Wells Fargo Term Sheet and Commitment Letter as negotiated and
8 authorize the Tribal Treasurer and Legislative Leader to sign and submit to Wells
9 Fargo Bank.

10 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

11 Motion carried.

12
13 4:08 p.m. Recess called.

14 4:17 p.m. Meeting reconvened.

15
16 4:30 p.m. Motion made by Councilor Wemigwase and supported by Treasurer
17 Reyes to go into closed session for confidential business matters.

18 Vote: 7 - Yes, 1 – No (Secretary Shananaquet), 0 - Abstained, 1 – Absent
19 (Councilor Naganashe)

20 Motion carried.

21
22 4:48 p.m. Motion made by Councilor Wemigwase and supported by Councilor
23 Law to return to open session.

24 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

25 Motion carried.

26
27 Motion made by Councilor Denemy and supported by Councilor Wemigwase to
28 acknowledge receipt of the Gaming Authority Committee Odawa Casino Resort
29 3rd quarter report for 2013.

30 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

31 Motion carried.

32
33 Land and Reservation Committee no report.

34
35 Legal and Legislative Committee: no report. FYI update from Legal Legislative
36 Chairwoman Gasco Bentley regarding meeting date change from November 6,
37 2013 to November 14, 2013

38
39 Ethics Committee: no report.

40
41 Motion made by Councilor Law and supported by Councilor Wemigwase to
42 accept Treasury Director Garrow's verbal and written report for November 3,
43 2013.

44 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

45 Motion carried.

1 Motion made by Councilor Law and supported by Councilor Wemigwase to
2 accept Legislative Services Attorney Budnick's written report for November 3,
3 2013.

4 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

5 Motion carried.

7 Motion made by Councilor Wemigwase and supported by Councilor Law to
8 accept General Counsel Branksy's verbal report for November 3, 2013.

9 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

10 Motion carried.

12 Motion made by Secretary Shananaquet and supported by Councilor
13 Wemigwase to accept Legislative Office Manager verbal report for November 3,
14 2013.

15 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

16 Motion carried.

18 Motion made by Councilor Wemigwase and supported by Councilor Otto to
19 approve Enrollment List A – Eligible for Citizenship dated October 22, 2013 for a
20 total of 6.

21 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

22 Motion carried.

24 Motion made by Treasurer Reyes and supported by Councilor Wemigwase to
25 approve Enrollment List B – Declination Ineligible dated October 22, 2013 for a
26 total of 2.

27 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

28 Motion carried.

30 Motion made by Councilor Keshick and supported by Councilor Otto to post the
31 amended Traditional Tribal Burial Inc. Corporate Charter document to the
32 Legislative calendar. (Statute or Corporate Charter)

33 Motion withdrawn

35 Motion made by Councilor Wemigwase and supported by Councilor Otto to table
36 the Traditional Tribal Burial Inc. Corporate Charter document for posting.

37 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

38 Motion carried.

40 Motion made by Councilor Wemigwase and supported by Councilor Law to
41 approve Certified Motion: Request for funding from the U.S. Department of
42 Health and Human Services, Administration on Aging (AoA), Title VI of the Older
43 Americans Act, Part A – Grants for Native Americans Little Traverse Bay Bands
44 of Odawa Indians Elders' Program.

45 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

46 Motion carried.

1 Motion made by Councilor Law and supported by Councilor Denemy to approve
2 Certified Motion: Funding from the Michigan Department of Environmental
3 Quality Stormwater, Asset Management Plan and Wastewater Program Little
4 Traverse Bay Bands Environmental Services Non-Point Source Management
5 Plan.

6 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

7 Motion carried.

8
9 Motion made by Councilor Wemigwase and supported by Treasurer Reyes to
10 adopt Tribal Resolution: Approval of the Gaming Authority Committee FY 2014
11 Budget in the amount of \$36,450.00.

12 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
13 Councilor Naganashe-absent, Councilor Otto-yes, Councilor Wemigwase-yes
14 Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco
15 Bentley-yes

16 Vote: 8-Yes, 0 -No, 0-Abstained, 1-Absent (Mike Naganashe)

17 Motion carried.

18
19 Motion made by Treasurer Reyes and supported by Councilor Law to adopt
20 Tribal Resolution: Supplemental Funding in the Amount of \$5,029.00 for
21 Rehmann Services.

22 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
23 Councilor Naganashe-absent, Councilor Otto-yes, Councilor Wemigwase-yes
24 Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco
25 Bentley-yes

26 Vote: 8-Yes, 0 -No, 0-Abstained, 1-Absent (Mike Naganashe)

27 Motion carried.

28
29 Motion made by Secretary Shananaquet and supported by Legislative Leader
30 Gasco Bentley to adopt Tribal Resolution: Funding for Traditional Burial Grounds
31 Board in the Amount of \$40,000.00 for Fiscal Year 2014 to come from Prior
32 Period Funds.

33 Motion withdrawn.

34
35 Motion made by Secretary Shananaquet and supported by Councilor Law to post
36 the Gaming Board of Director's Statute# 2 to the Legislative Calendar.

37 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

38 Motion carried.

39
40 Motion made by Secretary Shananaquet and supported by Councilor Law to
41 pass the Amendment to Land and Reservation WOS 2008-002.

42 Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
43 Councilor Naganashe-absent, Councilor Otto-yes, Councilor Wemigwase-yes
44 Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco
45 Bentley-yes

46 Vote: 8-Yes, 0 -No, 0-Abstained, 1-Absent (Mike Naganashe)

47 Motion carried.

1
2 Motion made by Councilor Denemy and supported by Councilor Wemigwase to
3 approve and authorize Secretary Shananaquet to endorse the Merrill Lynch
4 Advisory Services that appoints the investment advisor for the Tribal investments
5 in accordance with the Investment Policy Statement.

6 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

7 Motion carried.

8
9 6:01 p.m. Motion made by Councilor Denemy and supported by Councilor
10 Wemigwase to adjourn.

11 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Naganashe)

12 Motion carried.

13
14 Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-
15 1406 for additional updates and clarifications of these minutes as presented.

16
17 These Minutes have been read and approved as written (or) corrected: (delete
18 either the word “written” or “corrected” as pertains to how the minutes were
19 approved.)

20
21
22
23 _____
Regina Gasco Bentley, Tribal Council Secretary

Date